

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

INMATE MR. BOBBY LYNN,
Plaintiff

v.

POLICE OFFICER MR. WILLIAM
TOBIN, et al.,
Defendants.

Civ. Action No. 07-1622

MEMORANDUM/ORDER

May 24, 2007

Plaintiff, a prisoner at the George W. Hill Correctional Facility, seeks to bring a civil action *in forma pauperis*, pursuant to 28 U.S.C. § 1915, without prepayment of fees or security therefor, asserting claims pursuant to 42 U.S.C. § 1983. The Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (April 26, 1996) (the “Act”), which amends 28 U.S.C. § 1915, establishes certain financial requirements for prisoners who are attempting to bring a civil action or file an appeal *in forma pauperis*.

In my order of May 10, 2007 (Docket No. 2), I informed Lynn that inmate litigants who seek *in forma pauperis* status are obligated to pay the \$350 filing fee, but the fee may be paid in installments as the inmate’s funds allow. In that order, I asked that Lynn notify the court within twenty days if he wanted to proceed with his civil action and

thereby obligate himself to pay the \$350 filing fee. By a letter received May 22, 2007, Lynn has informed the court that he “agree[s] to be obligated for the filing fee of \$350.00 dollars.” Notice by Bobby Lynn at 1 (Docket No. 3). Accordingly, I will reinstate Lynn’s action and direct that the filing fee be paid in accordance with the terms of this order.

Under the Act, a prisoner bringing a civil action *in forma pauperis* must pay the full amount of the \$350 filing fee. 28 U.S.C. § 1915(b)(1). The prisoner must submit a certified copy of his inmate trust fund account statement for the 6-month period immediately preceding the filing of his complaint so the court can determine how the \$350 filing fee will be paid. 28 U.S.C. § 1915(a)(2). The prisoner must obtain this statement from the appropriate official of each prison at which he was or is confined. *Id.* The court must then “assess [the prisoner’s financial status] and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—(A) the average monthly deposits to the prisoner’s account; or (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint”

Plaintiff’s inmate trust fund account statement shows average monthly deposits of \$67.76, average monthly balances of \$56.75, and a current balance of \$0.45.¹ Based upon

¹ These figures are drawn from Lynn’s most recent income account statement (Docket No. 4), which the court requested from the George W. Hill Correctional Facility on May 23, 2007. Because the plaintiff was only able to furnish one month of his inmate account statement when he filed his original application to proceed *in forma pauperis* (since he had only been in custody for a month at the time of his application), the court felt it necessary to request updated information.

this financial information, an initial partial filing fee of \$13.55 is assessed. The Warden or other appropriate official at the George W. Hill Correctional Facility, or at any prison at which plaintiff may be incarcerated, is directed to deduct \$13.55 from plaintiff's prison account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania. Thereafter, each time that the balance in plaintiff's prison account exceeds \$10, an amount no greater than 20 percent of the money credited to plaintiff's account during the preceding month will be deducted and forwarded to the Clerk of Court until the filing fee is paid.

For the foregoing reasons, it is, this 24th day of May, 2007, hereby ORDERED that:

1. The petition to proceed *in forma pauperis* is GRANTED;
2. The Clerk of Court is directed to REOPEN the above-captioned case;
3. Plaintiff shall pay the \$350 filing fee;
4. Plaintiff is assessed an initial partial filing fee of \$13.55. The Warden or other appropriate official at the George W. Hill Correctional Facility, or at any prison at which plaintiff may be incarcerated, is directed to deduct \$13.55 from plaintiff's prison account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania;
3. For each month hereafter, each time that the balance in plaintiff's prison account exceeds \$10, an amount no greater than 20 percent of the money credited to plaintiff's account during the preceding month will be deducted and forwarded to the Clerk of Court until the filing fee is paid;
4. The Clerk is directed to forward a copy of this order to the Warden of the George W. Hill Correctional Facility.

BY THE COURT:

/s/ Louis H. Pollak

Pollak, J.